

IN RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road off E/S
Jennifer Road, 200' SE of
Charleston Road at Mays Chapel
Water Tower
8th Election District
3rd Councilmanic District
Baltimore County, Maryland
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-499-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the Legal Owner of the subject property, Baltimore County, Maryland, and the Contract Lessee, Southwestern Bell Mobile Systems, Inc., T/A Cellular One, by and through their attorney, G. Scott Barhight, Esquire. The Petitioner requests a special exception for a wireless transmitting and receiving facility, pursuant to Sections 1A03.3.B.14 and 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Emilienne (Amy) O'Rourke, Cellular One; Jerry Bialecki, Director of Engineering for Cellular One; George Cavrelis, Land Planner with George W. Stephens, Jr., & Associates, Inc.; Frank W. Pine with EA Engineering, and Gus G. Drizos, with KCI Technologies. There were no Protestants.

Testimony indicated that the subject property consists of 8.45 acres, more or less, zoned D.R. 3.5 and is the site of the Mays Chapel Reservoir. Baltimore County has entered into a lease agreement with Southwestern Bell Mobile Systems, Inc. to erect nine wireless transmitting and receiving antennae on the side of the water tower that exists at the subject location. The antenna will be attached to the side of the water tower in the fashion depicted within Petitioner's Exhibit 4 and painted

the same color as the water tower to diminish their visibility. Each of the nine antennae are 36.8 inches in height and 13 inches in width. The proffered testimony offered by Mr. Barhight on behalf of the expert witnesses who appeared at the hearing was that the Petitioner's request satisfies the special exception requirements of Section 502.1 of the B.C.Z.R. Furthermore, the proffered testimony clearly established that the requirements of Section 502.7 which specifically deal with wireless transmitting and receiving facilities were satisfied.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of August, 1992 that the Petition for Special Exception for a wireless transmitting and receiving facility, pursuant to Sections 1A03.3.B.14 and 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

August 18, 1992

(410) 887-486

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road, off E/S Jennifer Road, 200' SE of Charleston Road at Mays Chapel Water Tower
8th Election District - 3rd Councilmanic District
Baltimore County, Maryland - Petitioner
Case No. 92-499-X

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Madcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

- 2 -

- 3 -



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at Mays Chapel Water Tower off of Jennifer Road
which is presently zoned D.R. 3.5 Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to Sections 1A03.3.B.14 and 502.7

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Southwestern Bell Mobile Systems, Inc., Baltimore County, Maryland
T/A Cellular One

7855 Walker Drive, Suite 100
Greenbelt, Maryland 20770

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip



ZONING DESCRIPTION OF
CELLULAR ONE MAYS CHAPEL WATER TANK CELL SITE
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

COMMENCING AT THE INTERSECTION of Jennifer Road and Access Road, thence running on the northerly side of Access Road 50 feet wide,

- (1) North 78 degrees 36 minutes 50 seconds East 1300.00 feet more or less, thence leaving Jennifer Road
- (2) North 11 degrees 23 minutes 10 seconds West 370.00 feet, thence
- (3) North 33 degrees 36 minutes 50 seconds East 181.46 feet, thence
- (4) North 78 degrees 36 minutes 50 seconds East 93.01 feet, thence
- (5) South 11 degrees 23 minutes 10 seconds East 32.02 feet to the point of

- Beginning, thence binding around the parcel now described,
- (1) North 78 degrees 34 minutes 27 seconds East 52.00 feet, thence
 - (2) South 11 degrees 25 minutes 33 seconds East 28.65 feet, thence
 - (3) North 78 degrees 24 minutes 27 seconds East 148.04 feet, thence
 - (4) South 11 degrees 25 minutes 33 seconds East 72.00 feet, thence
 - (5) South 78 degrees 24 minutes 27 seconds West 148.04 feet, thence



Description of
Cellular One Mays Chapel
Water Tank Cell Site
KCI Job Order No. 01-92117
June 2, 1992
Page No. 2

- (6) South 11 degrees 25 minutes 33 seconds East 15.35 feet, thence
- (7) South 78 degrees 34 minutes 27 seconds West 52.00 feet, thence
- (8) North 11 degrees 25 minutes 33 seconds West 116.00 feet to the point of beginning.

CONTAINING 0.383 Acres of land more or less.

AP/dgj

KCI Job No. 01-92117

June 2, 1992

Work Order 73490C

6-8-92

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: South Date of Posting: July 13, 1992
Posted for: Special Exception
Petitioner: Southwestern Bell Mobile Systems, Inc., T/A Cellular One
Location of property: East end of Access Road off of Jennifer Road, 200' SE of Charleston Rd. Mays Chapel Water Tower
Location of Sign: N/E corner of Jennifer Road and Access Road to subject property
Remarks: _____
Posted by: S. J. Kiroto Date of return: July 17, 1992
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12, 1992

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

No REVIEW
6-18-92
WCR

BROOKING COURT GARDEN CONDOMINIUM

LOUGH MASK COURT -

- #1 - Unit 101 - Robert J. & Denise M. Burke 7464713 p.815
- #1 - Unit 102 - Kenneth M. & Norma M. Charlow 7477270 p.815
- #1 - Unit 201 - Salvatore R. & Catherine Marcellino 8359392 p.815
- #1 - Unit 202 - John E. Jr. & Carmela V. Schmitz 8341765 p.815
- #1 - Unit 301 - Albert R. & Rose M. Sorrentino 7499137 p.815
- #1 - Unit 302 - Michael Dougherty, Jr. 906258 p.815
- #3 - Unit 101 - Eugene C. Drinski & Mary E. Campion 7667322 p.815
- #3 - Unit 102 - Nancy Spear Barnes 821959 p.815
- #3 - Unit 201 - Donald E. & Jean H. Spedden 7491622 p.815
- #3 - Unit 202 - Rosa Mac Taylor 7491619 p.815
- #3 - Unit 301 - Richard H. Garrett 8775785 p.815
- #3 - Unit 302 - Mark R. Weigman 8227713 p.815
- #5 - Unit 101 - Suzanne Marie Schooley 841420 p.815
- #5 - Unit 102 - Marjorie J. Flax 7490490 p.815
- #5 - Unit 201 - David T. & Mary H. Erdman 7423488 p.815
- #5 - Unit 202 - James R. Jr. & Barbara L. Zavodny 84598 p.815
- #5 - Unit 301 - Therese L. Stoen 8229106 p.815
- #5 - Unit 302 - Grace A. Wright & Joyce Seymour 7425273 p.815
- #7 - Unit 101 - Doris J. Comino 7510202 p.815
- #7 - Unit 102 - Virginia L. Bond 7501193 p.815
- #7 - Unit 201 - Henry J. Jr. & June R. Krug 7490493 p.815
- #7 - Unit 202 - Iris M. Zimmerman 7654103 p.815
- #7 - Unit 301 - Henry N. 8956128 p.815
- #7 - Unit 302 - Kay P. Kolder, M.D. 7496278 p.815

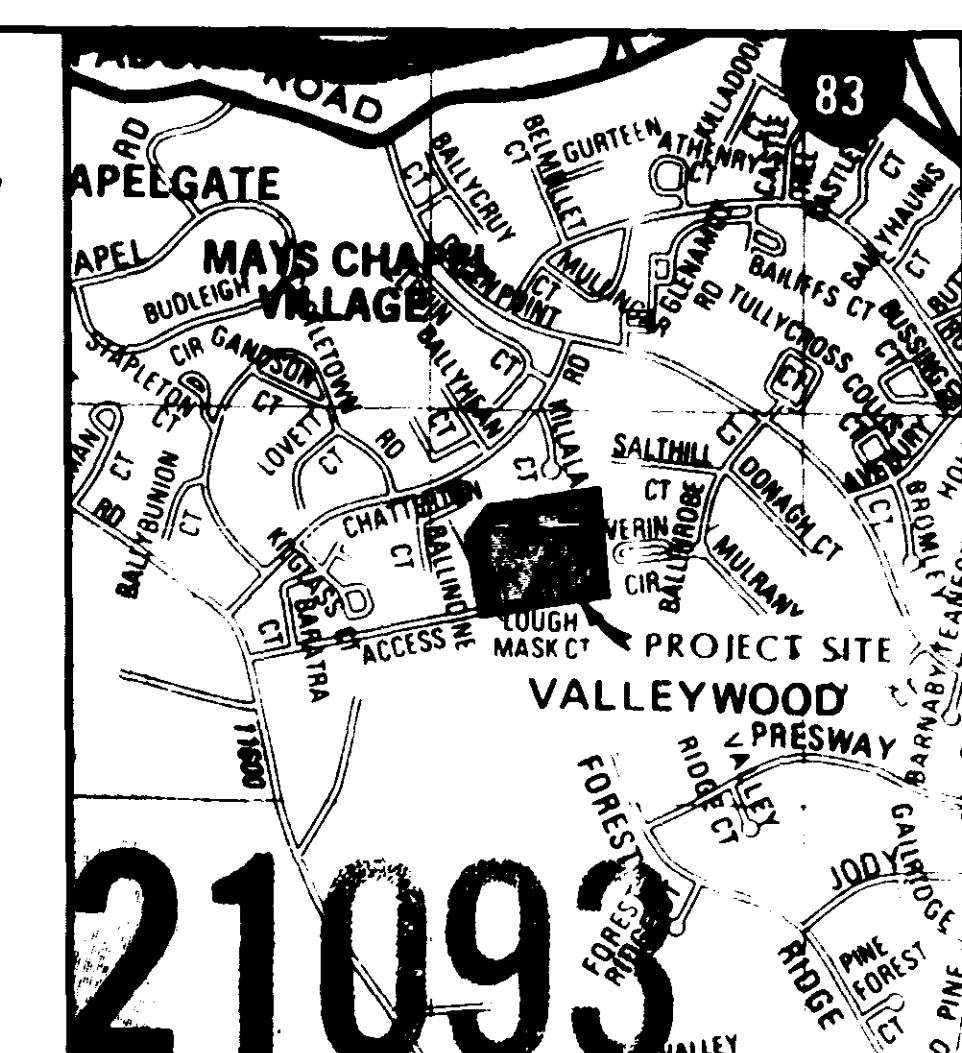
LUCAN COURT -

- #1 - Unit 101 - William P. & Anita B. Capo 7559132 p.815
- #1 - Unit 102 - James Robert & Patricia J. McWilliams 779655 p.815
- #1 - Unit 201 - Thomas L. Kirkwood 7536599 p.815
- #1 - Unit 202 - Robert L. Meahan 7537339 p.815
- #1 - Unit 301 - Patricia L. Heid 8627297 p.815
- #1 - Unit 302 - Judith A. Faith 7539480 p.815
- #3 - Unit 101 - Dorothy A. Kemerich 7536596 p.815
- #3 - Unit 102 - Gloria A. Romanelli 7529202 p.815
- #3 - Unit 201 - Dorothy R. Hickey 7757476 p.815
- #3 - Unit 202 - Theodore L. & Margaret C. Krukowski 7713398 p.815
- #3 - Unit 301 - Timothy A. & Heather K. Ryan 8076630 p.815
- #3 - Unit 302 - Margaret L. Talaro 7542441 p.815

BROOKING COURT -

- #1 - Unit 101 - Frank F. & Beverly D. Donaldson 7613387 p.815
- #1 - Unit 102 - Mary Gail Charlow 7618733 p.815
- #1 - Unit 201 - Paul & Marion J. Storms 8927770 p.815
- #1 - Unit 202 - Doris J. Mosley 7745141 p.815
- #1 - Unit 301 - James I. & Catherine J. McLaughlin 7646156 p.815
- #1 - Unit 302 - Nancy C. Carlson 7634584 p.815
- #3 - Unit 101 - Bobby F. & Carolyn C. Collins 7594820 p.815
- #3 - Unit 102 - Cary R. Feeneman 7586199 p.815
- #3 - Unit 201 - Margaret C. Stoddard 846390 p.815
- #3 - Unit 202 - Mildred F. Sherry 7579642 p.815
- #3 - Unit 301 - Francis F. Sindall 8671755 p.815
- #3 - Unit 302 - Charles P. & Virginia Holmes 7589263 p.815
- #5 - Unit 101 - Gregory L. Wachter 759066 p.815
- #5 - Unit 102 - Harry C. & Hazel L. George 7585547 p.815
- #5 - Unit 201 - Laura C. Stern 7575468 p.815
- #5 - Unit 202 - Jean Gauntner 8861258 p.815
- #5 - Unit 301 - Michael & Jui-Jen Wu 895525 p.815
- #5 - Unit 302 - Cynthia A. Schumaker 7556555 p.815
- #7 - Unit 101 - Carol H. Smink 754485 p.815
- #7 - Unit 102 - Julia D. Berch 7550530 p.815
- #7 - Unit 201 - Peggy A. Freyman 7696739 p.815
- #7 - Unit 202 - George T. & Elizabeth A. Elkesberg 7650680 p.815
- #7 - Unit 301 - Francis L. Mizer 7543804 p.815
- #7 - Unit 302 - Beverly Ann Conrad 7569713 p.815

92-499 X



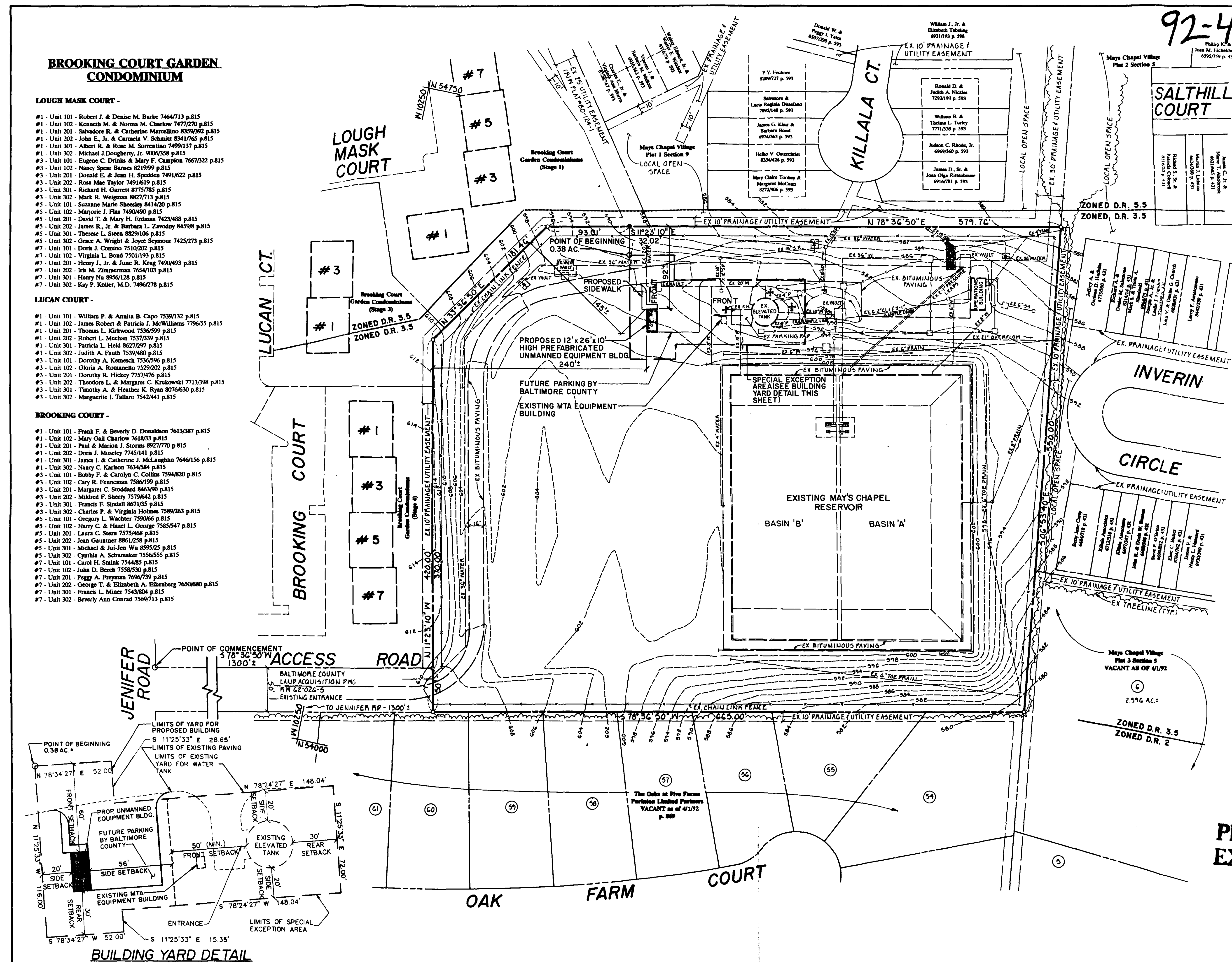
21093
VICINITY MAP
SCALE: 1"=1,000'

GENERAL NOTES

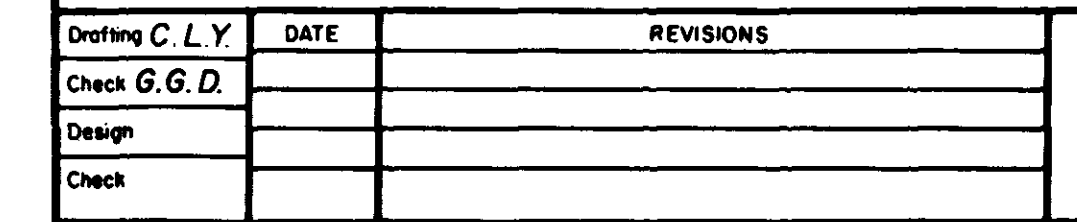
- OWNER: BALTIMORE COUNTY MARYLAND LIBER 4505/FOLIO 255.
- CONTRACT LESSEE (APPLICANT) SOUTHWEST BELL MOBILE SYSTEMS, INC. T/A CELLULAR ONE 7855 WALKER DRIVE GREENBELT, MARYLAND 20770
- TAX MAP 51 & 60 PARCEL 540, CURRENT ZONING - DR 3.5. MINIMUM BUILDING SETBACK LINES: FRONT = 30'; SIDE = 20'; REAR = 30'.
- BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION IS DERIVED FROM BALTIMORE COUNTY MAYS CHAPEL RESERVOIR DRAWINGS.
- EXISTING USE OF THE SITE IS A COUNTY WATER STORAGE FACILITY WITH AN ATTACHED COMMUNICATIONS ANTENNA FOR MTA.
- THE PROPOSED ADDITIONAL FACILITIES TO THIS SITE WILL CONSIST OF A ONE STORY 12'X26'X10' TALL MODULAR ACCESSORY BUILDING WHICH WILL HOUSE RADIO AND TELEPHONE EQUIPMENT FOR THE TRANSMISSION AND RECEPTION OF CELLULAR TELEPHONE COMMUNICATIONS, AS WELL AS ANTENNAE TO BE ATTACHED TO THE EXISTING WATER TOWER WHICH IS 167' ± IN HEIGHT. THIS IS AN UNMANNED FACILITY. ONLY SHORT TERM VISITS WILL BE REQUIRED. NO SANITARY OR WATER UTILITIES ARE REQUIRED FOR ITS OPERATION.
- THERE IS NO RTA THAT IMPACTS THE PROPOSED USE.
- GROSS SITE AREA = 8.45 ACRES ±
- NET SITE AREA = 8.45 ACRES ±
- AREA OF SPECIAL EXCEPTION = 16,690.83 S.F. ± = 0.38 ACRES ±
- F.A.R. = N/A
- AMENITY OPEN SPACE - N/A
- PREVIOUS COMMERCIAL PERMIT: BUILDING PERMIT #B065149 AND CONTROL #1354-90 TO CONSTRUCT AN 8'X8' SHACK FOR ELECTRICAL SYSTEM.
- THERE ARE NO PREVIOUS ZONING HEARINGS WHICH ARE APPLICABLE TO THIS SITE.
- THERE ARE NO OUTDOOR SIGNS ASSOCIATED WITH THIS PROJECT.
- ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET BY THE APPLICANT AT ALL TIMES.
- WHEN THE USE IS TERMINATED THE STRUCTURE SHALL BE REMOVED.
- EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFICATION BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES INDICATING THAT THE ABOVEMENTIONED STRUCTURE MEETS ALL SAFETY REQUIREMENTS. ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGED IN THE SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
- NO WHITE STROBOSCOPIC LIGHTS ARE PERMITTED OR PROPOSED.
- AN ENVIRONMENTAL IMPACT STATEMENT, AS DEFINED IN SECTION 101, SHALL BE SUBMITTED TO THE ZONING COMMISSIONER.

PETITIONER'S EXHIBIT 1

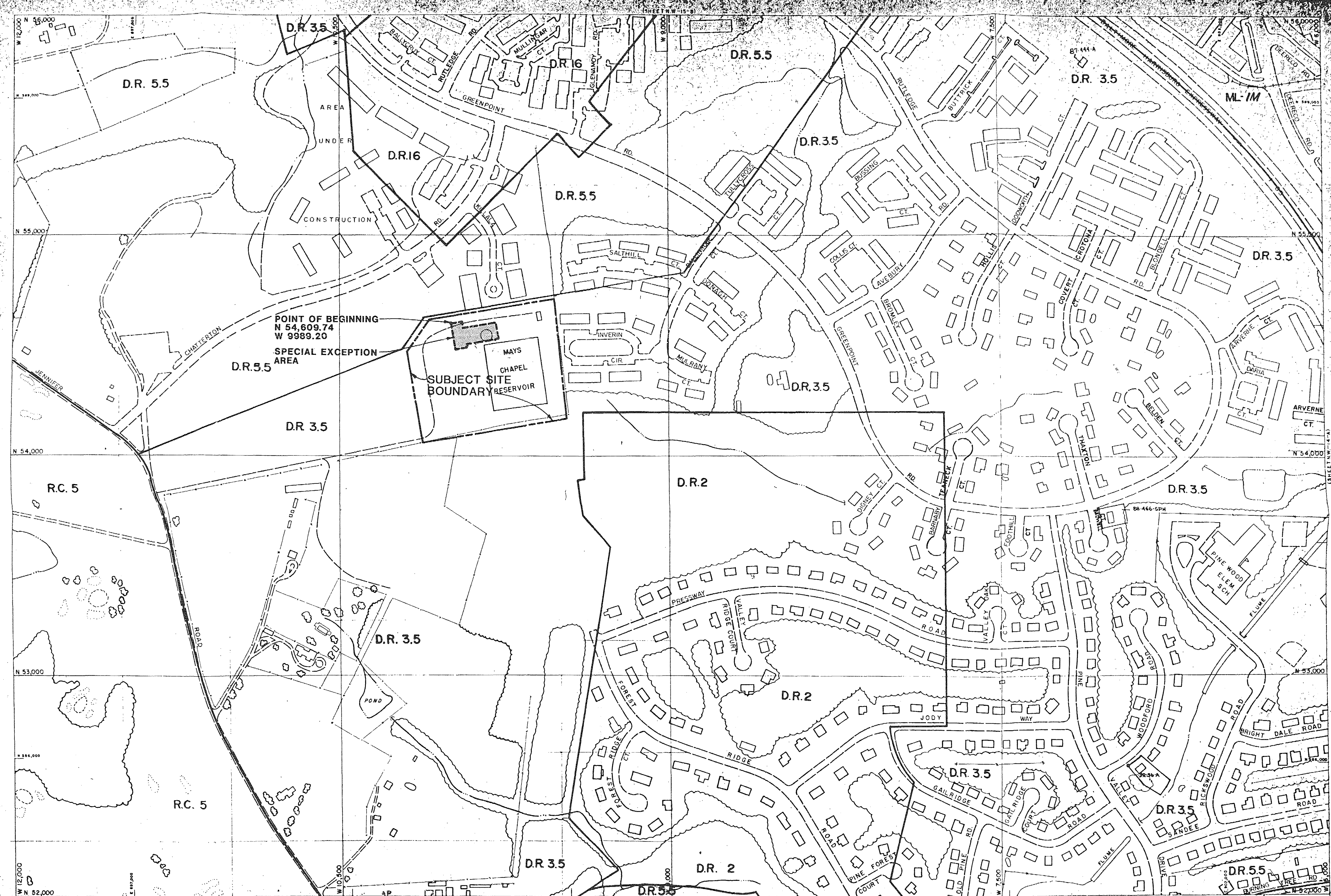
533



BUILDING YARD DETAIL



<p>Drafting C.L.Y.</p> <p>Check G.G.D.</p> <p>Design</p> <p>Check</p>	<p>DATE</p> <p>REVISIONS</p> <p>KCI KCI TECHNOLOGIES INC. ENGINEERS • PLANNERS • SURVEYORS 1020 CROMWELL BRIDGE ROAD BALTIMORE, MARYLAND 21204 (410) 321-5500</p>	<p>OWNER</p> <p>BALTIMORE COUNTY MARYLAND LIBER 4505/FOLIO 255</p>	<p>CONTRACT LESSEE (APPLICANT)</p> <p>SOUTHWEST BELL MOBILE SYSTEMS, INC. T/A CELLULAR ONE 7855 WALKER DRIVE GREENBELT, MARYLAND 20770</p>	<p>PLAN TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY</p> <p>ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 3</p> <p>JENNIFER ROAD BALTIMORE COUNTY, MARYLAND</p>	<p>SHEET 1 OF 1</p> <p>DATE MAY 1992</p> <p>SCALE 1"=50'</p> <p>JOB NUMBER 01-92072</p>
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S-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1983 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct 17, 1983
BHM Nos. 144-84, 145-85, 146-85, 147-85, 148-85, 149-85, 150-85
De F. B.
Chairman, County Council

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET N.W. 14-B
DATE OF PHOTOGRAPHY JANUARY 1986	533	

92-499X

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

6/23/92 H9200533

PUBLIC HEARING FEES CITY PRICE
050 -SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$300.00

LAST NAME OF OWNER: BALTIMORE COUNTY

Please Make Checks Payable to Baltimore County \$300.00
BA COM-00PM06-23-92

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date 92-499

0440+H0124WICHR \$65.32
BA COM-049AM07-24-92
Please Make Checks Payable to Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 7-10-92

Southwestern Bell Mobile Systems, Inc.
7855 Walker Drive, Suite 100
Greenbelt, Maryland 20770

RE:
92-499-1 (Item 533)
East end access road, off E/S Jennifer Road, 200' SE Chatterton Road
Mays Chapel Water Tower
8th Election District - 3rd Councilmanic
Legal Owner(s): Baltimore County, Maryland
Lessee: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: TUESDAY, AUGUST 4, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLON
DIRECTOR

cc: G. Scott Barhight, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JULY 1, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-499-X (Item 533)
East end access road, off E/S Jennifer Road, 200' SE Chatterton Road
Mays Chapel Water Tower
8th Election District - 3rd Councilmanic
Legal Owner(s): Baltimore County, Maryland
Lessee: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: TUESDAY, AUGUST 4, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a wireless transmitting and receiving facility.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Southwestern Bell Mobile Systems
G. Scott Barhight, Esq.
Land Acquisition

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 July 20, 1992 (410) 887-3353

G. Scott Barhight, Esquire
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 533, Case No. 92-499-X
Petitioner: Baltimore County, MD
Petition for Special Exception

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 18th day of June, 1992

ARNOLD JARLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Baltimore County, Maryland, et al
Petitioner's Attorney: G. Scott Barhight

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services) 07/20/92
Development Review Committee Response Form
Authorized signature Deanna A. Kennedy Date 7/10/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

90476 Stonegate at Patapsco (Azeal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

✓ Baltimore County - Southwestern Bell Mobile Systems 6-29-92 NC
DED STP 533

COUNT 1

Highlands Limited Partnership 7-13-92 Comment
DED DEPRM RP STP TE
Charles C. Campbell, Sr. 1 Comment
DED DEPRM RP STP TE
John And Beverly R. Oertel 2 NC
DED DEPRM RP STP TE
William W. And Donna M. O'Rourke 3 Comment
DED DEPRM RP STP TE
Theresa A. Mahlstedt 4 NC
DED DEPRM RP STP TE

COUNT 5
FINAL TOTALS
COUNT 7
*** END OF REPORT ***

DPW/Traffic Engineering 07/06/92
Development Review Committee Response Form
Authorized signature Rita M. and Edward R. Raab, Sr. Date 7/11/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

90476 Stonegate at Patapsco (Azeal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

Rita M. and Edward R. Raab, Sr. 514 W/C 6-29-92
DED DEPRM RP STP TE
✓ Jeffery J. and Deanna L. Deegan 523 N/C
DED DEPRM RP STP TE
✓ Charles M. and Virginia H. Leane 524 N/C
DED DEPRM RP STP TE
✓ Herschel and Ruth Polakoff 525 N/C
DED DEPRM RP STP TE
✓ Francis D. and Patricia M. Mull 524 N/C
DED DEPRM RP STP TE
✓ RMS Nominee, Inc. 527 W/C
DED DEPRM RP STP TE
✓ Juanita L. Cottrell 529 N/C
DED DEPRM RP STP TE
The Middle River Baptist Church 530 W/C
DED DEPRM RP STP TE
✓ Merritt E. and Joann R. Olsen 531 N/C
DED DEPRM RP STP TE
✓ Michael J. and Eugenia G. Zavodny 532 N/C
DED DEPRM RP STP TE
Baltimore County - Southwestern Bell Mobile Systems 533 N/C
DED DEPRM RP STP TE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature Douglas R. Small Date 7/11/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

Baltimore County - Southwestern Bell Mobile Systems 533
DED DEPRM RP STP TE

COUNT 1

Douglas R. Small 533
DED RP

COUNT 1
FINAL TOTALS
COUNT 24
*** END OF REPORT ***

RECEIVED
JUL 7 1992
ZONING OFFICE

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

JUNE 25, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE COUNTY, MARYLAND

Location: MAYS CHAPEL WATER TOWER

Item No.: + 533 (WCR) Zoning Agenda: JUNE 29, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEK

RECEIVED
JUN 29 1992

ZONING

Department of Recreation and Parks
Development Review Committee Response
Authorized Signature: *[Signature]* Date: 7/6/92

Project Name	Waiver Number	Conting Issue	Meeting Date
Rita M. and Edward R. Raab, Sr.	514		5-29-92
DED DEPRM RP STP TE	<i>No Comment</i>		
Jeffrey J. and Deanna L. Deegan	523		
DED DEPRM RP STP TE	<i>No Comment</i>		
Charles M. and Virginia H. Loane	524		
DED DEPRM RP STP TE	<i>No Comment</i>		
Herschel and Ruth Folakoff	525		
DED DEPRM RP STP TE	<i>No Comment</i>		
Francis D. and Patricia M. Mull	526		
DED DEPRM RP STP TE	<i>No Comment</i>		
RMS Nominee, Inc.	527		
DED DEPRM RP STP TE	<i>No Comment</i>		
Juanita L. Cottrell	529		
DED DEPRM RP STP TE	<i>No Comment</i>		
The Middle River Baptist Church	530		
DED DEPRM RP STP TE	<i>No Comment</i>		
Merritt E. and Joann R. Olsen	531		
DED DEPRM RP STP TE	<i>No Comment</i>		
Michael J. and Eugenia G. Zavodny	532		
DED DEPRM RP STP TE	<i>No Comment</i>		
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE	<i>No Comment</i>		

COUNT 11

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: July 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Southwestern Bell - Item 533

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

6_29_92b.txt
Petitns.txt

RECEIVED
AUG 4 1992
ZONING OFFICE

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4500

2. Scott Barhight, Esquire
210 West Pennsylvania Avenue, Suite 100
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road, off E/S Jennifer Road, 200' E/S of Charleston
Road at Mays Chapel Water Tower
8th Election District - 4th Contingent District
Baltimore County, Maryland - Petitioner
Case No. 92-499-X

Dear Mr. Barhight:

In response to your letter dated August 24, 1992 regarding the above-captioned matter, the following comments are offered.

Please be advised that I am in agreement with you that the minor concerns raised in the August 12, 1992 letter from Messrs. Richards and Lewis of the Zoning Administration and Development Management Office have been addressed and that no further action on your client's part will be required.

Thank you for your consideration in this matter.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: File

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1992

G. Scott Barhight, Esquire
500 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

RECEIVED
AUG 14 1992
ZONING COMMISSIONER

RE: Preliminary Petition Review (Item #533)
Legal Owner: Baltimore County, Maryland
Jennifer Road
9th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The election district numbers do not agree on the descriptions and plans.
2. A 200 scale zoning map with the outline of the special exception was not included with the filing package.
3. The title of the individual signing for Southwestern Bell Mobile Systems is not referenced nor is the name printed clearly on the petition forms.

G. Scott Barhight, Esquire
August 12, 1992
Page 2

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

Very truly yours,

[Signature]
W. Carl Richards, Jr.
Zoning Coordinator

By: *[Signature]*
John L. Lewis
Planner II

JLL:scj

cc: Zoning Commissioner

LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

SEVEN EAST BALD STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-541-4700

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
301-832-2000
FAX: 301-832-2015

SUITE 400
400 17TH STREET, NW
WASHINGTON, D.C. 20004
TELEPHONE 301-459-0000

G. SCOTT BARHIGHT
DIRECT NUMBER
301-832-2006

August 26, 1992

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning & Zoning
Suite 113, Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Mays Chapel Water Tower
Case No. 92-499-X

Dear Mr. Kotroco:

Thank you for the Special Exception Order dated August 18, 1992 regarding the above-referenced matter. Several days before this Order was executed, I received a letter from Messrs. Richards and Lewis of the Office of Zoning Administration regarding the above Petition. This letter is to determine whether any further action is needed by my office in response to the August 12, 1992 letter from Messrs. Richards and Lewis.

The August 12, 1992 letter states that the Petition was accepted for filing without a final filing review by the staff. Although I cannot speak to whether a "final filing review" was performed by the staff, I can state that the civil engineer and I met several times with Mr. Lewis and reviewed the site plan in detail before filing the Petition.

The August 12, 1992 letter raises several minor issues. First, I believe your Order properly identifies the election district, therefore rendering this issue moot. Second, although a 200 scale zoning map was provided with the Petition, enclosed is an additional copy to complete your records. Third, Emilienne O'Rourke, the then Director of Real Estate for Southwestern Bell Mobile Systems, Inc., executed the Petition.

RECEIVED
AUG 27 1992
ZONING OFFICE

The Honorable Timothy M. Kotroco
August 26, 1992
Page 2

On behalf of the Petitioner, I respectfully suggest that the application is proper and that no revisions or revision fee is required. If you disagree, please contact me at your earliest convenience.

Thank you for your kind attention to this matter.

Sincerely,
[Signature]
G. Scott Barhight

GSB/slr
Enclosure
cc: Steven A. Portnoy, Esquire
Mr. John L. Lewis
Mr. W. Carl Richards, Jr.

Speed
Letter

September 15, 1992

These issues were discussed with Tim Kotroco (the Deputy Zoning Commissioner) on 9/11/92. He is satisfied with the petition information as filed; therefore, no revisions or further fees are required.

[Signature]
John L. Lewis
Planner II

JLL:scj

BROOKING COURT GARDEN CONDOMINIUM

LOUGH MASK COURT -

- #1 - Unit 101 - Robert J. & Denise M. Burke 7464713 p.815
- #1 - Unit 102 - Kenneth M. & Norma M. Charlow 7477270 p.815
- #1 - Unit 201 - Salvatore R. & Catherine Marcellino 8359392 p.815
- #1 - Unit 202 - John E. Jr. & Carmela V. Schmitz 8341765 p.815
- #1 - Unit 301 - Albert R. & Rose M. Sorrentino 7499137 p.815
- #1 - Unit 302 - Michael Dougherty, Jr. 906258 p.815
- #3 - Unit 101 - Eugene C. Drinski & Mary E. Campion 7667322 p.815
- #3 - Unit 102 - Nancy Spear Barnes 821959 p.815
- #3 - Unit 201 - Donald E. & Jean H. Spedden 7491622 p.815
- #3 - Unit 202 - Rosa Mac Taylor 7491619 p.815
- #3 - Unit 301 - Richard H. Garrett 8775785 p.815
- #3 - Unit 302 - Mark R. Weigman 8227713 p.815
- #5 - Unit 101 - Suzanne Marie Shooley 841420 p.815
- #5 - Unit 102 - Marjorie J. Flax 7490490 p.815
- #5 - Unit 201 - David T. & Mary H. Erdman 7423488 p.815
- #5 - Unit 202 - James R. Jr. & Barbara L. Zavodny 84598 p.815
- #5 - Unit 301 - Therese L. Stoen 8229106 p.815
- #5 - Unit 302 - Grace A. Wright & Joyce Seymour 7425273 p.815
- #7 - Unit 101 - Doris J. Comino 7510202 p.815
- #7 - Unit 102 - Virginia L. Bond 7501193 p.815
- #7 - Unit 201 - Henry J. Jr. & June R. Krug 7490493 p.815
- #7 - Unit 202 - Iris M. Zimmerman 7654103 p.815
- #7 - Unit 301 - Henry N. 8956128 p.815
- #7 - Unit 302 - Kay P. Kolder, M.D. 7496278 p.815

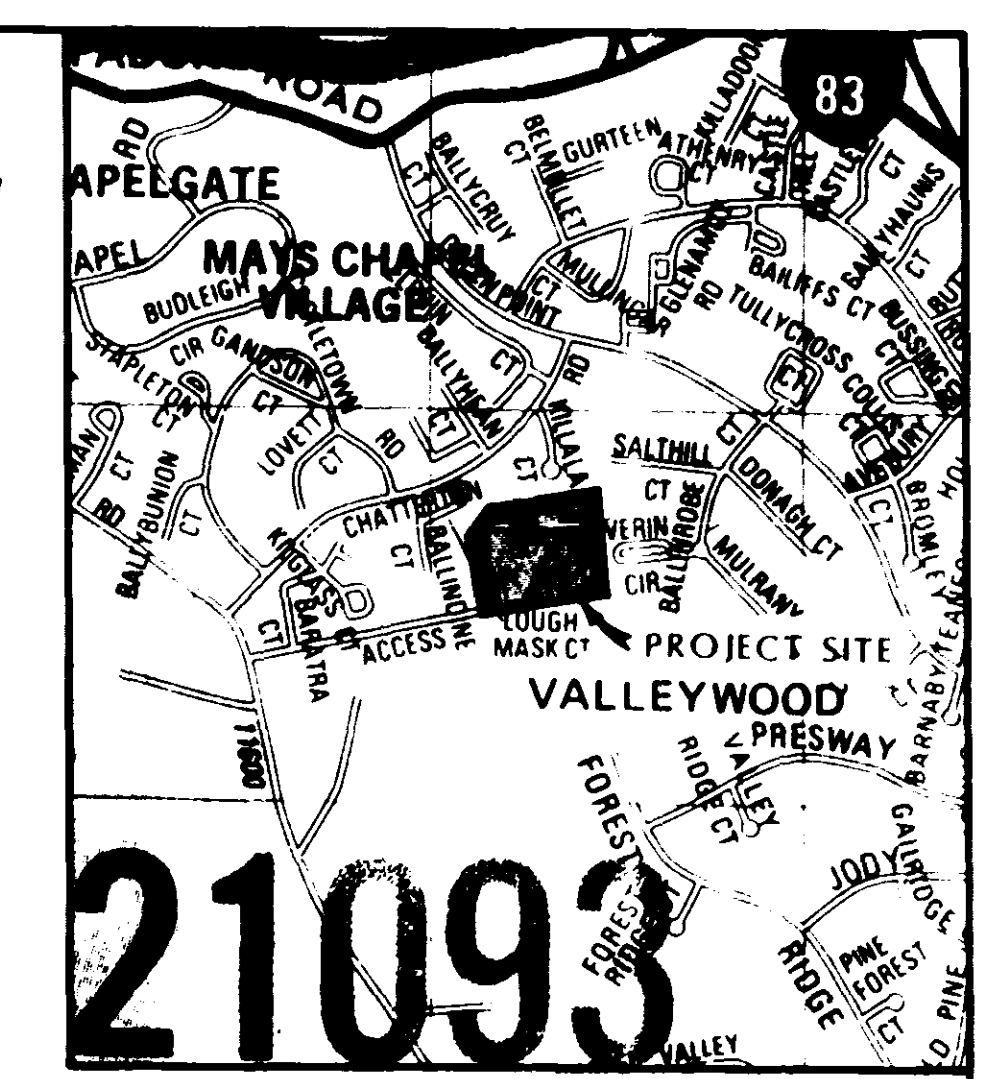
LUCAN COURT -

- #1 - Unit 101 - William P. & Anita B. Capo 7559132 p.815
- #1 - Unit 102 - James Robert & Patricia J. McWilliams 779655 p.815
- #1 - Unit 201 - Thomas L. Kirkwood 7536599 p.815
- #1 - Unit 202 - Robert L. Meahan 7537339 p.815
- #1 - Unit 301 - Patricia L. Heid 8627297 p.815
- #1 - Unit 302 - Judith A. Faith 7539480 p.815
- #3 - Unit 101 - Dorothy A. Kemerich 7536596 p.815
- #3 - Unit 102 - Gloria A. Romanelli 7529202 p.815
- #3 - Unit 201 - Dorothy R. Hickey 7757476 p.815
- #3 - Unit 202 - Theodore L. & Margaret C. Krukowski 7713398 p.815
- #3 - Unit 301 - Timothy A. & Heather K. Ryan 8076630 p.815
- #3 - Unit 302 - Margaret L. Talaro 7542441 p.815

BROOKING COURT -

- #1 - Unit 101 - Frank F. & Beverly D. Donaldson 7613387 p.815
- #1 - Unit 102 - Mary Gail Charlow 7618733 p.815
- #1 - Unit 201 - Paul & Marion J. Storms 8927770 p.815
- #1 - Unit 202 - Doris J. Mosley 7745141 p.815
- #1 - Unit 301 - James I. & Catherine J. McLaughlin 7646156 p.815
- #1 - Unit 302 - Nancy C. Carlson 7634584 p.815
- #3 - Unit 101 - Bobby F. & Carolyn C. Collins 7594820 p.815
- #3 - Unit 102 - Cary R. Feeneman 7586199 p.815
- #3 - Unit 201 - Margaret C. Stoddard 8463790 p.815
- #3 - Unit 202 - Mildred F. Sherry 7579642 p.815
- #3 - Unit 301 - Francis F. Sindall 8671755 p.815
- #3 - Unit 302 - Charles P. & Virginia Holmes 7589263 p.815
- #5 - Unit 101 - Gregory L. Wachter 759066 p.815
- #5 - Unit 102 - Harry C. & Hazel L. George 7585547 p.815
- #5 - Unit 201 - Laura C. Stern 7575468 p.815
- #5 - Unit 202 - Jean Gauntner 8861258 p.815
- #5 - Unit 301 - Michael & Jui-Jen Wu 895525 p.815
- #5 - Unit 302 - Cynthia A. Schumaker 7556555 p.815
- #7 - Unit 101 - Carol H. Smink 754485 p.815
- #7 - Unit 102 - Julia D. Berch 7550530 p.815
- #7 - Unit 201 - Peggy A. Freyman 7696739 p.815
- #7 - Unit 202 - George T. & Elizabeth A. Elkesberg 7650680 p.815
- #7 - Unit 301 - Francis L. Mizer 7543804 p.815
- #7 - Unit 302 - Beverly Ann Conrad 7569713 p.815

92-499 X



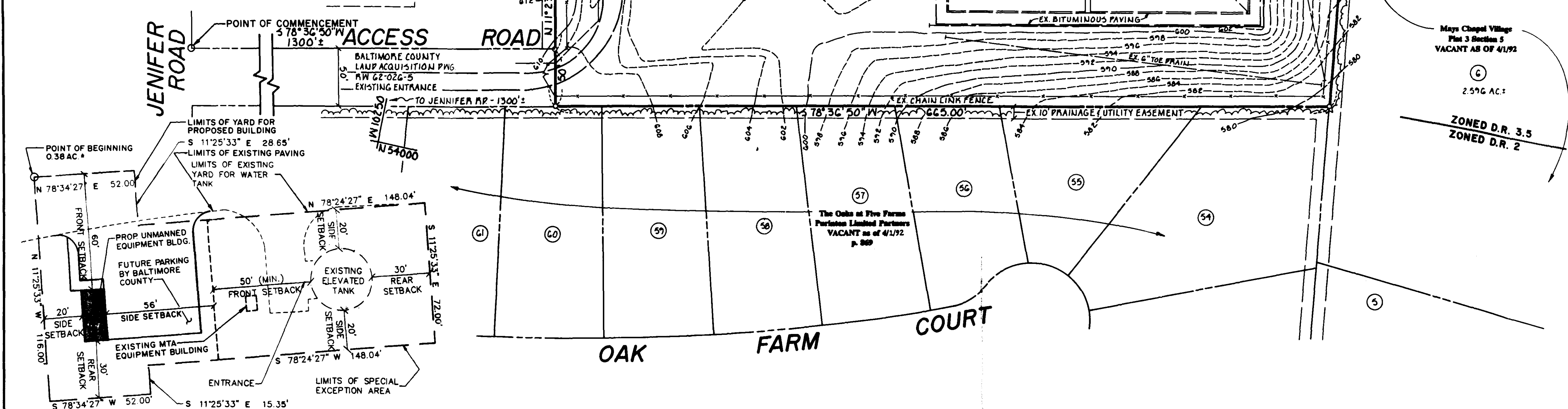
VICINITY MAP
SCALE: 1"=1,000'

GENERAL NOTES

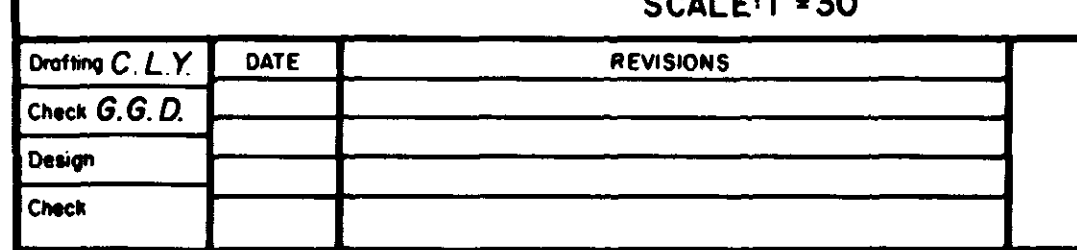
- OWNER: BALTIMORE COUNTY MARYLAND LIBER 4505/FOLIO 255.
- CONTRACT LESSEE (APPLICANT) SOUTHWEST BELL MOBILE SYSTEMS, INC. T/A CELLULAR ONE 7855 WALKER DRIVE GREENBELT, MARYLAND 20770
- TAX MAP 51 & 60 PARCEL 540, CURRENT ZONING - DR 3.5. MINIMUM BUILDING SETBACK LINES: FRONT = 30'; SIDE = 20'; REAR = 30'.
- BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION IS DERIVED FROM BALTIMORE COUNTY MAYS CHAPEL RESERVOIR DRAWINGS.
- EXISTING USE OF THE SITE IS A COUNTY WATER STORAGE FACILITY WITH AN ATTACHED COMMUNICATIONS ANTENNA FOR MTA.
- THE PROPOSED ADDITIONAL FACILITIES TO THIS SITE WILL CONSIST OF A ONE STORY 12'X26'X10' TALL MODULAR ACCESSORY BUILDING WHICH WILL HOUSE RADIO AND TELEPHONE EQUIPMENT FOR THE TRANSMISSION AND RECEPTION OF CELLULAR TELEPHONE COMMUNICATIONS, AS WELL AS ANTENNAE TO BE ATTACHED TO THE EXISTING WATER TOWER WHICH IS 167' ± IN HEIGHT. THIS IS AN UNMANNED FACILITY. ONLY SHORT TERM VISITS WILL BE REQUIRED. NO SANITARY OR WATER UTILITIES ARE REQUIRED FOR ITS OPERATION.
- THERE IS NO RTA THAT IMPACTS THE PROPOSED USE.
- GROSS SITE AREA = 8.45 ACRES ±
- NET SITE AREA = 8.45 ACRES ±
- AREA OF SPECIAL EXCEPTION = 16,690.83 S.F. ± = 0.38 ACRES ±
- F.A.R. = N/A
- AMENITY OPEN SPACE - N/A
- PREVIOUS COMMERCIAL PERMIT: BUILDING PERMIT #B065149 AND CONTROL #1354-90 TO CONSTRUCT AN 8'X8' SHACK FOR ELECTRICAL SYSTEM.
- THERE ARE NO PREVIOUS ZONING HEARINGS WHICH ARE APPLICABLE TO THIS SITE.
- THERE ARE NO OUTDOOR SIGNS ASSOCIATED WITH THIS PROJECT.
- ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET BY THE APPLICANT AT ALL TIMES.
- WHEN THE USE IS TERMINATED THE STRUCTURE SHALL BE REMOVED.
- EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFICATION BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES INDICATING THAT THE ABOVEMENTIONED STRUCTURE MEETS ALL SAFETY REQUIREMENTS. ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGED IN THE SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
- NO WHITE STROBOSCOPIC LIGHTS ARE PERMITTED OR PROPOSED.
- AN ENVIRONMENTAL IMPACT STATEMENT, AS DEFINED IN SECTION 101, SHALL BE SUBMITTED TO THE ZONING COMMISSIONER.

PETITIONER'S
EXHIBIT 1

533



BUILDING YARD DETAIL



Drafting C.L.Y.	DATE	REVISIONS
Check G.G.D.		
Design		
Check		

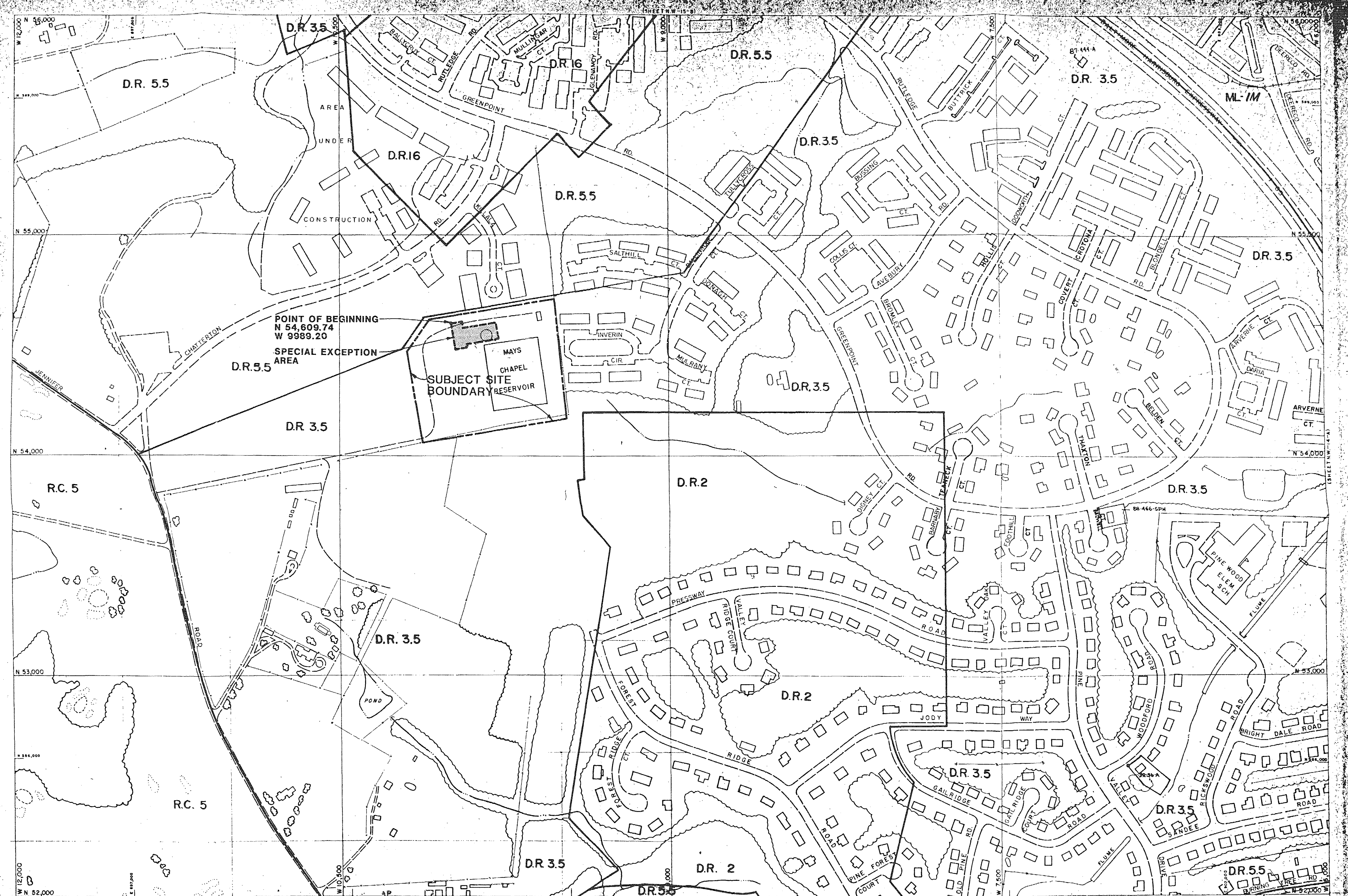
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
1020 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204 (410) 321-5500

OWNER
BALTIMORE COUNTY MARYLAND
LIBER 4505/FOLIO 255

CONTRACT LESSEE (APPLICANT)
SOUTHWEST BELL MOBILE SYSTEMS, INC.
T/A CELLULAR ONE
7855 WALKER DRIVE
GREENBELT, MARYLAND 20770

PLAN TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY
ELECTION DISTRICT 8
COUNCILMANIC DISTRICT 3
JENNIFER ROAD
BALTIMORE COUNTY, MARYLAND

SHEET	DATE	JOB NUMBER
1 OF 1	MAY 1992 SCALE 1"=50'	01-92072



S-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct 17, 1988
BHM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
De F. B.
Chairman, County Council

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET N.W. 14-B
DATE OF PHOTOGRAPHY JANUARY 1986	533	

92-499X

IN RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road off E/S
Jennifer Road, 200' SE of
Charleston Road at Mays Chapel
Water Tower
8th Election District
3rd Councilmanic District
Baltimore County, Maryland
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-499-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the Legal Owner of the subject property, Baltimore County, Maryland, and the Contract Lessee, Southwestern Bell Mobile Systems, Inc., T/A Cellular One, by and through their attorney, G. Scott Barhight, Esquire. The Petitioner requests a special exception for a wireless transmitting and receiving facility, pursuant to Sections 1A03.3.B.14 and 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Emilienne (Amy) O'Rourke, Cellular One; Jerry Bialecki, Director of Engineering for Cellular One; George Cavrelis, Land Planner with George W. Stephens, Jr., & Associates, Inc.; Frank W. Pine with EA Engineering, and Gus G. Drizos, with KCI Technologies. There were no Protestants.

Testimony indicated that the subject property consists of 8.45 acres, more or less, zoned D.R. 3.5 and is the site of the Mays Chapel Reservoir. Baltimore County has entered into a lease agreement with Southwestern Bell Mobile Systems, Inc. to erect nine wireless transmitting and receiving antennae on the side of the water tower that exists at the subject location. The antenna will be attached to the side of the water tower in the fashion depicted within Petitioner's Exhibit 4 and painted

the same color as the water tower to diminish their visibility. Each of the nine antennae are 36.8 inches in height and 13 inches in width. The proffered testimony offered by Mr. Barhight on behalf of the expert witnesses who appeared at the hearing was that the Petitioner's request satisfies the special exception requirements of Section 502.1 of the B.C.Z.R. Furthermore, the proffered testimony clearly established that the requirements of Section 502.7 which specifically deal with wireless transmitting and receiving facilities were satisfied.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of August, 1992 that the Petition for Special Exception for a wireless transmitting and receiving facility, pursuant to Sections 1A03.3.B.14 and 502.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

August 18, 1992

(410) 887-486

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road, off E/S Jennifer Road, 200' SE of Charleston
Road at Mays Chapel Water Tower
8th Election District - 3rd Councilmanic District
Baltimore County, Maryland - Petitioner
Case No. 92-499-X

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Madcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

- 2 -

- 3 -



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at Mays Chapel Water Tower off of Jennifer
which is presently zoned D.R. 3.5 Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to Sections 1A03.3.B.14 and 502.7

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Southwestern Bell Mobile Systems, Inc., Baltimore County, Maryland
T/A Cellular One

7855 Walker Drive, Suite 100
Address
Greenbelt, Maryland 20770
City State Zip

Attorney for Petitioner
G. Scott Barhight
Type and Name
500 Court Towers
210 W. Pennsylvania Ave. 832-2050
Address
Towson, MD 21204
City State Zip

ESTIMATED LENGTH OF HEARING
The following date _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 8/18/92
By hjs

No REVIEW
6-18-92
WCR



ZONING DESCRIPTION OF CELLULAR ONE MAYS CHAPEL WATER TANK CELL SITE 8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

COMMENCING AT THE INTERSECTION of Jennifer Road and Access Road, thence running on the northerly side of Access Road 50 feet wide,

- (1) North 78 degrees 36 minutes 50 seconds East 1300.00 feet more or less, thence leaving Jennifer Road
- (2) North 11 degrees 23 minutes 10 seconds West 370.00 feet, thence
- (3) North 33 degrees 36 minutes 50 seconds East 181.46 feet, thence
- (4) North 78 degrees 36 minutes 50 seconds East 93.01 feet, thence
- (5) South 11 degrees 23 minutes 10 seconds East 32.02 feet to the point of

- Beginning, thence binding around the parcel now described,
- (1) North 78 degrees 34 minutes 27 seconds East 52.00 feet, thence
 - (2) South 11 degrees 25 minutes 33 seconds East 28.65 feet, thence
 - (3) North 78 degrees 24 minutes 27 seconds East 148.04 feet, thence
 - (4) South 11 degrees 25 minutes 33 seconds East 72.00 feet, thence
 - (5) South 78 degrees 24 minutes 27 seconds West 148.04 feet, thence



Description of
Cellular One Mays Chapel
Water Tank Cell Site
KCI Job Order No. 01-92117
June 2, 1992
Page No. 2

- (6) South 11 degrees 25 minutes 33 seconds East 15.35 feet, thence
- (7) South 78 degrees 34 minutes 27 seconds West 52.00 feet, thence
- (8) North 11 degrees 25 minutes 33 seconds West 116.00 feet to the point of beginning.

CONTAINING 0.383 Acres of land more or less.

AP/dgj

KCI Job No. 01-92117

June 2, 1992

Work Order 73490C

6-8-92

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: South Date of Posting: July 13, 1992
Posted for: Special Exception
Petitioner: Southwestern Bell Mobile Systems, Inc., T/A Cellular One
Location of property: East end access road of 115 Jennifer Road, 200' SE of
Charleston Rd. Mays Chapel Water Tower
Location of Sign: N/E corner of Jennifer Road and access road
to subject property
Remarks: _____
Posted by: S. J. Krato Date of return: July 17, 1992
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12, 1992

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

6/23/92 H9200533

PUBLIC HEARING FEES CITY PRICE
050 -SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$300.00

LAST NAME OF OWNER: BALTIMORE COUNTY

Please Make Checks Payable to Baltimore County \$300.00
BA COM-00PM06-23-92

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date 92-499

0440+H0124WICHRC \$65.32
BA COM-049AM07-24-92
Please Make Checks Payable to Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 7-10-92

Southwestern Bell Mobile Systems, Inc.
7855 Walker Drive, Suite 100
Greenbelt, Maryland 20770

RE:
92-499-X (Item 533)
East end access road, off E/S Jennifer Road, 200' SE Chatterton Road
Mays Chapel Water Tower
8th Election District - 3rd Councilmanic
Legal Owner(s): Baltimore County, Maryland
Lessee: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: TUESDAY, AUGUST 4, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLOW
DIRECTOR

cc: G. Scott Barhight, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JULY 1, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-499-X (Item 533)
East end access road, off E/S Jennifer Road, 200' SE Chatterton Road
Mays Chapel Water Tower
8th Election District - 3rd Councilmanic
Legal Owner(s): Baltimore County, Maryland
Lessee: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: TUESDAY, AUGUST 4, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a wireless transmitting and receiving facility.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Southwestern Bell Mobile Systems
G. Scott Barhight, Esq.
Land Acquisition

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 July 20, 1992 (410) 887-3353

G. Scott Barhight, Esquire
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 533, Case No. 92-499-X
Petitioner: Baltimore County, MD
Petition for Special Exception

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 18th day of June, 1992

ARNOLD JARLOW
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Baltimore County, Maryland, et al
Petitioner's Attorney: G. Scott Barhight

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services) 07/20/92
Development Review Committee Response Form
Authorized signature Deanna A. Kennedy Date 7/10/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

90476 Stonegate at Patapsco (Azeal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

✓ Baltimore County - Southwestern Bell Mobile Systems 6-29-92 NC
DED STP 533

COUNT 1

Highlands Limited Partnership 7-13-92 Comment
DED DEPRM RP STP TE
Charles C. Campbell, Sr. 1 Comment
DED DEPRM RP STP TE
✓ John And Beverly R. Oertel 2 NC
DED DEPRM RP STP TE
William W. And Donna M. O'Rourke 3 Comment
DED DEPRM RP STP TE
✓ Theresa A. Mahlstedt 4 NC
DED DEPRM RP STP TE

COUNT 5
FINAL TOTALS
COUNT 7
*** END OF REPORT ***

DPW/Traffic Engineering 07/06/92
Development Review Committee Response Form
Authorized signature Rita M. and Edward R. Raab, Sr. Date 7/11/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

90476 Stonegate at Patapsco (Azeal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

Rita M. and Edward R. Raab, Sr. 514 W/C 6-29-92
DED DEPRM RP STP TE
✓ Jeffery J. and Deanna L. Deegan 523 N/C
DED DEPRM RP STP TE
✓ Charles M. and Virginia H. Leane 524 N/C
DED DEPRM RP STP TE
✓ Herschel and Ruth Polakoff 525 N/C
DED DEPRM RP STP TE
✓ Francis D. and Patricia M. Mull 524 N/C
DED DEPRM RP STP TE
✓ RMS Nominee, Inc. 527 W/C
DED DEPRM RP STP TE
✓ Juanita L. Cottrell 529 N/C
DED DEPRM RP STP TE
The Middle River Baptist Church 530 W/C
DED DEPRM RP STP TE
✓ Merritt E. and Joann R. Olsen 531 N/C
DED DEPRM RP STP TE
✓ Michael J. and Eugenia G. Zavodny 532 N/C
DED DEPRM RP STP TE
✓ Baltimore County - Southwestern Bell Mobile Systems 533 N/C
DED DEPRM RP STP TE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature Douglas R. Small Date 7/11/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

Baltimore County - Southwestern Bell Mobile Systems 533
DED DEPRM RP STP TE
COUNT 11
DED DEPRM RP STP TE
COUNT 1
FINAL TOTALS
COUNT 24
*** END OF REPORT ***

RECEIVED
JUL 7 1992
ZONING OFFICE

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

JUNE 25, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE COUNTY, MARYLAND

Location: MAYS CHAPEL WATER TOWER

Item No.: + 533 (WCR) Zoning Agenda: JUNE 29, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John L. Lewis Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEK

RECEIVED
JUN 29 1992

ZONING

Department of Recreation and Parks
Development Review Committee Response
Authorized Signature: Walter K... Date: 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Rita M. and Edward R. Raab, Sr.	514		5-29-92
DED DEPRM RP STP TE	<u>No Comment</u>		
Jeffrey J. and Deanna L. Deegan	523		
DED DEPRM RP STP TE	<u>No Comment</u>		
Charles M. and Virginia H. Loane	524		
DED DEPRM RP STP TE	<u>No Comment</u>		
Herschel and Ruth Folakoff	525		
DED DEPRM RP STP TE	<u>No Comment</u>		
Francis D. and Patricia M. Mull	526		
DED DEPRM RP STP TE	<u>No Comment</u>		
RMS Nominee, Inc.	527		
DED DEPRM RP STP TE	<u>No Comment</u>		
Juanita L. Cottrell	529		
DED DEPRM RP STP TE	<u>No Comment</u>		
The Middle River Baptist Church	530		
DED DEPRM RP STP TE	<u>No Comment</u>		
Merritt E. and Joann R. Olsen	531		
DED DEPRM RP STP TE	<u>No Comment</u>		
Michael J. and Eugenia G. Zavodny	532		
DED DEPRM RP STP TE	<u>No Comment</u>		
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE	<u>No Comment</u>		

COUNT 11

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: July 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Southwestern Bell - Item 533

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

6.29.92b.txt
Petitns.txt

RECEIVED
AUG 4 1992
ZONING OFFICE

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4500

2. Scott Barhight, Esquire
210 West Pennsylvania Avenue, Suite 100
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
East End of Access Road, off E/S Jennifer Road, 200' E/S of Charleston
Road at Mays Chapel Water Tower
8th Election District - 4th Congressional District
Baltimore County, Maryland - Petitioner
Case No. 92-499-X

Dear Mr. Barhight:

In response to your letter dated August 24, 1992 regarding the above-captioned matter, the following comments are offered.

Please be advised that I am in agreement with you that the matter concerns raised in the August 12, 1992 letter from Messrs. Richards and Lewis of the Zoning Administration and Development Management Office have been addressed and that no further action on your client's part will be required.

Thank you for your consideration in this matter.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: File

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1992

RECEIVED
AUG 14 1992
ZONING COMMISSIONER

G. Scott Barhight, Esquire
500 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #533)
Legal Owner: Baltimore County, Maryland
Jennifer Road
9th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The election district numbers do not agree on the descriptions and plans.
2. A 200 scale zoning map with the outline of the special exception was not included with the filing package.
3. The title of the individual signing for Southwestern Bell Mobile Systems is not referenced nor is the name printed clearly on the petition forms.

G. Scott Barhight, Esquire
August 12, 1992
Page 2

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

Very truly yours,

WCR
W. Carl Richards, Jr.
Zoning Coordinator

By: John L. Lewis
Planner II

JLL:scj

cc: Zoning Commissioner

LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

SEVEN EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-541-4700

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
301-832-2000
FAX: 301-832-2015

SUITE 400
400 17TH STREET, NW
WASHINGTON, D.C. 20004
TELEPHONE 301-459-0000

G. SCOTT BARHIGHT
DIRECT NUMBER
301-832-2006

August 26, 1992

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning & Zoning
Suite 113, Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Mays Chapel Water Tower
Case No. 92-499-X

Dear Mr. Kotroco:

Thank you for the Special Exception Order dated August 18, 1992 regarding the above-referenced matter. Several days before this Order was executed, I received a letter from Messrs. Richards and Lewis of the Office of Zoning Administration regarding the above Petition. This letter is to determine whether any further action is needed by my office in response to the August 12, 1992 letter from Messrs. Richards and Lewis.

The August 12, 1992 letter states that the Petition was accepted for filing without a final filing review by the staff. Although I cannot speak to whether a "final filing review" was performed by the staff, I can state that the civil engineer and I met several times with Mr. Lewis and reviewed the site plan in detail before filing the Petition.

The August 12, 1992 letter raises several minor issues. First, I believe your Order properly identifies the election district, therefore rendering this issue moot. Second, although a 200 scale zoning map was provided with the Petition, enclosed is an additional copy to complete your records. Third, Emilienne O'Rourke, the then Director of Real Estate for Southwestern Bell Mobile Systems, Inc., executed the Petition.

RECEIVED
AUG 27 1992
ZONING OFFICE

The Honorable Timothy M. Kotroco
August 26, 1992
Page 2

On behalf of the Petitioner, I respectfully suggest that the application is proper and that no revisions or revision fee is required. If you disagree, please contact me at your earliest convenience.

Thank you for your kind attention to this matter.

Sincerely,
G. Scott Barhight
G. Scott Barhight

GSB/slr
Enclosure
cc: Steven A. Portnoy, Esquire
Mr. John L. Lewis
Mr. W. Carl Richards, Jr.

Speed Letter
In the event of a hearing, the petitioner will be notified by mail of the date, time and place of the hearing. The petitioner is responsible for attending the hearing. If the petitioner fails to attend the hearing, the application will be deemed withdrawn.

September 15, 1992

These issues were discussed with Tim Kotroco (the Deputy Zoning Commissioner) on 9/11/92. He is satisfied with the petition information as filed; therefore, no revisions or further fees are required.

John L. Lewis
John L. Lewis
Planner II

JLL:scj